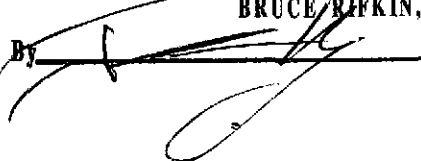


Presented to the Court by the foreman of the
Grand Jury in open Court, in the presence of
the Grand Jury and FILED in The U.S.
DISTRICT COURT at Seattle, Washington.

SEPTEMBER 17 2008
BRUCE RIFKIN, Clerk
By  Deputy

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

HENRY C. ROSENAU,

Defendant.

NO. CR06-157 MJP

SUPERSEDING INDICTMENT



06-CR-00157-INDI

The Grand Jury charges that:

COUNT 1

(Conspiracy to Import Marijuana)

Beginning at a time unknown, but within the last five (5) years, and continuing through on or about September 21, 2005, within the Western District of Washington, and elsewhere, HENRY C. ROSENAU did knowingly and intentionally conspire with others, known and unknown, to import into the United States from a place outside thereof, being Canada, marijuana, a substance controlled under Schedule I, Title 21, United States Code, Section 812.

The Grand Jury further alleges that this offense involved one thousand (1,000) kilograms or more of a mixture and substance containing marijuana.

All in violation of Title 21, United States Code, Sections 952, 960(a)(1), 960(b)(1)(G), and 963.

COUNT 2

(Conspiracy to Distribute Marijuana)

Beginning at a time unknown, but within the last five (5) years, and continuing through on or about September 21, 2005, within the Western District of Washington, and elsewhere, HENRY C. ROSENAU did knowingly and intentionally conspire with others, known and unknown, to distribute marijuana, a substance controlled under Schedule I, Title 21, United States Code, Section 812.

It is further alleged that this offense involved one thousand (1,000) kilograms or more of a mixture and substance containing marijuana.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A), and 846.

COUNT 3

(Possession of Marijuana With Intent to Distribute)

On or about September 21, 2005, within the Western District of Washington, HENRY C. ROSENAU knowingly and intentionally aided, abetted, induced, and willfully caused the possession with intent to distribute of marijuana, a substance controlled under Schedule I, Title 21, United States Code, Section 812.

It is further alleged that this offense involved (100) kilograms or more of a mixture and substance containing marijuana.

It is further alleged that this offense was committed during and in furtherance of the conspiracy charged in Counts 1 and 2 above.

All in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B), and Title 18, United States Code, Section 2.

FORFEITURE ALLEGATION

Pursuant to Title 21, United States Code, Section 853, the Grand Jury alleges that, as a result of the felony offenses listed above, punishable by imprisonment for more than one year, the above named defendant shall forfeit to the United States of America any and all interest in property, real or personal, constituting, or derived from, and proceeds

1 obtained, directly or indirectly, as the result of said criminal offenses, and shall further
 2 forfeit any and all interest in property, real or personal, used or intended to be used, in any
 3 manner or part to commit, and to facilitate the commission of such felony offenses. If
 4 any of the forfeitable property, as a result of any act or omission of the defendant cannot
 5 be located upon the exercise of due diligence, has been transferred or sold to, or deposited
 6 with, a third person, has been placed beyond the jurisdiction of the Court, has been
 7 substantially diminished in value, or has been commingled with other property which
 8 cannot be subdivided without difficulty, it is the intent of the United States, pursuant to
 9 Title 21, United States Code, Section 853(p), to seek the forfeiture of any property of the
 10 defendant, up to the value of the forfeitable properties.

11 A TRUE BILL

12 DATED:

13
 14
 15 Signature Redacted Pursuant to Ninth Circuit Policy
 16 FOREPERSON

17 
 18
 19 JEFFREY C. SULLIVAN
 20 UNITED STATES ATTORNEY

21 
 22 DOUGLAS B. WHALLEY
 23 ASSISTANT UNITED STATES ATTORNEY

24 
 25 RONALD J. FRIEDMAN
 26 ASSISTANT UNITED STATES ATTORNEY

27 
 28 SUSAN M. ROE
 ASSISTANT UNITED STATES ATTORNEY